

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, MAY 4TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

April 26, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 5808 Sun Court Circle (Rep. District #4)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated October 8th, 2003. The mobile home was found to be in an advanced state of disrepair. The mobile home has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Patricia & Douglas Barker.
- 3) Certified notices of the public hearing scheduled May 4th, 2004 were mailed to the owners and all interested parties on April 20th, 2004.
- 4) There are no taxes owed.
- 5) The owners have been contacted and advised of the violations at this property, however, no steps have been taken to bring the property into compliance.

The Department recommends that it be found:

- 1) That the mobile home be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the mobile home is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the mobile home's certificate of occupancy be revoked; and
- 4) That the mobile home can not be repaired; and
- 5) That the mobile home be demolished and removed within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

JOE WARDY
MAYOR



BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
October 9, 2003

Patricia & Douglas Barker
11100 Childress Ave.
El Paso, Texas 79936-1102

Re: 5808 Sun Court Cir.
Lot: 17, S# Removed
Blk: 1, Sun Court Mobile Home
Zoned: RMH
COD03-14049
Certified Mail Receipt #
7003 1010 0004 5306 4307

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:

5808 Sun Court Cir.

- i. The building constitutes a danger to the public even though secured entry, or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at **5808 Sun Court Cir.** has the following violations:

- a. The structure is open and accessible to unauthorized entry.
- b. The premises are full of weeds, trash, and debris.
- c. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within thirty (30) days from receipt of this letter.
- d. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

William V. Stern
Building Inspector

WVS/rvj

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BS

Patricia and Douglas Barker
10150 Montana Ave.
El Paso, Texas 79936
Re: 5808 Sun Court Circle Lot 17

1st Dup

2. Article Number

(Transfer from service label)

7003 2260 0002 9957 7177

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Pat Barker

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Pat Barker

C. Date of Delivery

SEP 10 2004

D. Is delivery address different from label?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 13th, 2004 regarding the property located at 5808 Sun Court Circle Lot 17, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this ____ day of _____, 2004 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this ____ day of _____, 2004.

Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 13th, 2004 regarding the property located at 5808 Sun Court Circle Lot 17, was PUBLISHED in the official City newspaper on the ____day of _____, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated April 13th, 2004 regarding the property at 5808 Sun Court Circle Lot 17, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Patricia and Douglas Barker
11100 Childress Ave.
El Paso, Texas 79936

Date:_____

Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 13th, 2004 regarding the property at 5808 Sun Court Circle Lot 17, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Patricia and Douglas Barker
11401 Pratt Ave.
El Paso, Texas 79936

Date:_____

Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 13th, 2004 regarding the property at 5808 Sun Court Circle Lot 17, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Patricia and Douglas Barker
11104 Paducah Ave.
El Paso, Texas 79936

Date:_____

Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 13th , 2004 regarding the property at 5808 Sun Court Circle Lot 17, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Patricia and Douglas Barker
5808 Sun Court Cir.
El Paso, Texas 79924

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 13th , 2004 regarding the property at 5808 Sun Court Circle Lot 17, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Patricia and Douglas Barker
10150 Montana Ave.
El Paso, Texas 79936

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 13th , 2004 regarding the property at 5808 Sun Court Circle Lot 17, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 13th , 2004 regarding the property at 5808 Sun Court Circle Lot 17, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 13th , 2004 regarding the property at 5808 Sun Court Circle Lot 17, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at
5808 Sun Court Circle Lot 17, El Paso, Texas.

Date: _____

Time: _____

Inspector

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 4th day of May, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the mobile home located on the property at 5808 Sun Court Circle Lot 17, in El Paso, Texas, which property is more particularly described as:

Lot: 17, Sun Court Mobile Home, Block 1

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Patricia and Douglas Barker, 11100 Childress Avenue, El Paso, Texas 79936, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said structure should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the structure into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said structure in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 13th day of April, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Teresa Garcia
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: October 9th, 2003

REP. DISTRICT: 4

ADDRESS: 5808 Sun Court Circle Lot 17

ZONED: RMH

LEGAL DESCRIPTION: Lot 17, Sun Court Mobile Home, Block 1

OWNER: Patricia and Douglas Barker

ADDRESS: 11100 Childress, El Paso, TX 79936

BUILDING USE: Abandon Mobile Home

TYPE OF CONSTRUCTION: V wood home framing with metal siding

FOOTINGS: Typical mobile home tie downs

CONDITION: Fair

FOUNDATION WALL: N/A

CONDITION:

FLOOR STRUCTURE: Plywood over 2 x 6 floor joist

CONDITION: Fair

EXTERIOR WALLS: 2 x 4 wood with metal siding

HEIGHT: 8'

THICKNESS: 4"

CONDITION: Fair

INTERIOR WALLS & CEILINGS: 2 x 4 with 1/8" wood panel veneer

CONDITION:

ROOF STRUCTURE: Flat metal on 2 x 4 wood

CONDITION: Fair

DOORS, WINDOWS, ETC.: Wood doors, metal frame windows

CONDITION: Poor – all windows and doors are broken

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Water is off. A licensed and insured contractor should be hired to evaluate system.

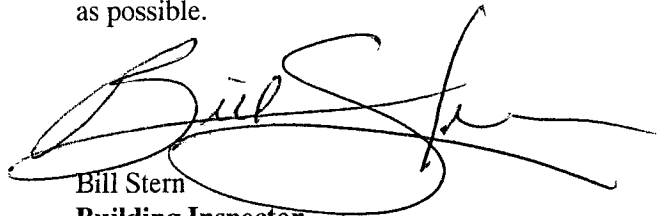
ELECTRICAL: Electric is off. An electrician should be hired to evaluate electrical system.

MECHANICAL: N/A

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: No **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: This open and abandoned mobile home should be demolished and removed as soon as possible.



Bill Stern
Building Inspector

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, APRIL 13th, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 29, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 5808 Sun Court Circle Lot 17 (Rep. District #4)

Scheduling a public hearing to be held on May 4th, 2004 to determine if the property located at 5808 Sun Court Circle Lot 17 in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of March 23rd, 2004, Patricia & Douglas Barker, 11100 Childress Avenue, El Paso, Texas 79936, have been notified of the violations at this property. District #4

1.0 **1.0** **X**

Updated: 9/9/2003

RE

General

Description: Master # COD03-14049

Project:

Category

Open and abandoned

View / Edit Activity

Activity: 0040 Desc: Refer to Fire

Updated: 4/26/2004 935

Disposition: **DONE**

Hold Level: **No hold**

Dates

Date Referred 3/11/2004

Calendar Tag: FDCM

Date Received 3/11/2004

Report Tag:

Date Completed 4/26/2004

Assigned To: 935

Done By: 935

Notes:

THIS NOTICE IS TO INFORM YOU THAT THIS LOCATION IS A
FIRE HAZARD DUE TO ; UNSECURED , BRUSH
OVERGROWTH, AND VANDALS MAKING ENTRY.

X-Coordinate:

Y-Coordinate:

Edit

Sign Off

Date 2

OK

Help